

October 13, 2009

Public Hearing: Zoning Ordinance Amendment ZA09-0005
Owner(s): City of Frisco

DESCRIPTION:

Request to amend the Comprehensive Zoning Ordinance pertaining to regulations for alcohol sales in conjunction with golf courses. MW

HISTORY:

February 2, 2002, Frisco voters approved a local option to allow the sale of beer & wine as well as allowing restaurants to serve alcohol without a membership (private club).

May 9, 2009, Denton County voters approved a local option to allow the sale of alcohol that includes locations within the City of Frisco.

August 18, 2009, City Council adopted Ordinance No. 09-08-48, amending the Comprehensive Zoning Ordinance pertaining to regulations for alcohol sales.

REMARKS:

Due to an inadvertent omission in the amendment approved August 18, 2009, the City is requesting to amend the Comprehensive Zoning Ordinance as it pertains only to alcohol sales in conjunction with the operation of a golf course. No other changes to the previously approved amendment are requested. The amendments are as follows:

- Restaurant or Cafeteria – Amend Article II, Section 3.04 (25) to allow restaurants and/or cafeterias in residential zoning districts only as an accessory use when in conjunction with the operation of a golf course.
- Alcoholic Beverage Establishment – Amend Article II, Section 3.04 (26) to allow alcoholic beverage establishments in residential zoning districts only as an accessory use when in conjunction with the operation of a golf course. Also clarify that separation requirements from residential zoning districts do not apply for this accessory use.
- Private Club – Amend Article II, Section 3.04 (32) to allow private clubs in residential zoning districts only as an accessory use when in conjunction with the

operation of a golf course. Also clarify that separation requirements from residential zoning districts do not apply for this accessory use.

- Amend the Use Chart to reflect these changes.

RECOMMENDATION:

Staff recommends amending the Comprehensive Zoning Ordinance as follows – additions are in **bold underlined** text:

Article II

3.03 Schedule of Uses (Use Chart)

(see Exhibit “A”)

3.04 Conditional Development Standards

25. Restaurant or Cafeteria:

- (a) A Restaurant or Cafeteria is permitted by specific use permit in the NS zoning district and is permitted by right in the R, OTC, O-2, C-1, C-2, CO, H, IT, and I zoning districts. **A Restaurant or Cafeteria is also permitted in the A, RE, SF-1, SF-2, SF-3, SF-4, SF-5, PH, TH, 2F, MF-1, and MF-2 zoning districts only as an accessory use when in conjunction with the operation of a golf course.**

26. Alcoholic Beverage Establishment:

- (b) An alcoholic beverage establishment is permitted only by specific use permit in O2, R, OT-C, H, C1, C2, CO, and IT zoning districts. **An Alcoholic Beverage Establishment is also permitted in the A, RE, SF-1, SF-2, SF-3, SF-4, SF-5, PH, TH, 2F, MF-1, MF-2, O-1, and NS zoning districts only as an accessory use when in conjunction with the operation of a golf course.**
- (c) An alcoholic beverage establishment shall not be located within:
 - A. 800 feet from a church, public hospital, public school, private school, and/or residential zoning district. For this purpose, residential zoning districts shall include, but is not limited to properties that are zoned Neighborhood Service and residential Planned Development Districts. **Separation from residential zoning districts does not apply to Alcoholic Beverage Establishments that are an accessory use in conjunction with the operation of a golf course.**

32. Private Club

- (b) A private club is permitted only by specific use permit in O2, R, OT-C, H, C1, C2, CO, and IT zoning districts. **A private club is also permitted in the A, RE, SF-1, SF-2, SF-3, SF-4, SF-5, PH, TH, 2F, MF-1, MF-2, O-1, and NS zoning districts only as an accessory use when in conjunction with the operation of a golf course.**
- (c) A private club shall not be located within:
 - A. 800 feet from a church, public hospital, public school, private school, and/or residential zoning district. For this purpose, residential zoning districts shall include, but is not limited to properties that are zoned Neighborhood Service and residential Planned Development Districts. **Separation from residential zoning districts does not apply to Alcoholic Beverage Establishments that are an accessory use in conjunction with the operation of a golf course.**

A	RE	SF-1	SF-2	SF-3	SF-4	SF-5	OT-R	PH	TH	2F	MF-1	MF-2	MH	Section 3.03(F) Retail Uses										I	Preston Road Overlay District				
Agricultural	Residential Estate	Single-Family 1	Single-Family 2	Single-Family 3	Single-Family 4	Single-Family 5	Original Town Residential	Patio Home	Town Home	Two Family	Multi-Family 1	Multi-Family 2	Mobil Home	Office 1	Office 2	Neighborhood Services	Retail	Original Town Commercial	Highway	Commercial 1	Commercial 2	Corporate Office	Information & Technology	Industrial	US 380 Gateway	Rural Corridor	Main Street	Retail Corridor	SH 121 Gateway
		26	26	26	26	26	26	26	26	26	26	26		26	26	26	26	26	26	26	26	26	26						
		32	32	32	32	32	32	32	32	32	32	32		32	32	32	32	32	32	32	32	32	32						
		25	25	25	25	25	25	25	25	25	25	25		25	25	25	25	25	25	25	25	25	25						

26	26	26	26	26	26	26	26	26	26	26	26	26		Alcoholic Beverage Establishment										26	26	26	26	26	26
32	32	32	32	32	32	32	32	32	32	32	32	32		Private Club										32	32	32	32	32	32
25	25	25	25	25	25	25	25	25	25	25	25	25		Restaurant or Cafeteria										25	25	25	25	25	25

A	RE	SF-1	SF-2	SF-3	SF-4	SF-5	OT-R	PH	TH	2F	MF-1	MF-2	MH	Section 3.03(G) Service Uses										I	Preston Road Overlay District				
Agricultural	Residential Estate	Single-Family 1	Single-Family 2	Single-Family 3	Single-Family 4	Single-Family 5	Original Town Residential	Patio Home	Town Home	Two Family	Multi-Family 1	Multi-Family 2	Mobil Home	Office 1	Office 2	Neighborhood Services	Retail	Original Town Commercial	Highway	Commercial 1	Commercial 2	Corporate Office	Information & Technology	Industrial	US 380 Gateway	Rural Corridor	Main Street	Retail Corridor	SH 121 Gateway
		26	26	26	26	26	26	26	26	26	26	26		26	26	26	26	26	26	26	26	26	26						
		32	32	32	32	32	32	32	32	32	32	32		32	32	32	32	32	32	32	32	32	32						
		25	25	25	25	25	25	25	25	25	25	25		25	25	25	25	25	25	25	25	25	25						

26	26	26	26	26	26	26	26	26	26	26	26	26		Alcoholic Beverage Establishment										26	26	26	26	26	26
32	32	32	32	32	32	32	32	32	32	32	32	32		Private Club										32	32	32	32	32	32
25	25	25	25	25	25	25	25	25	25	25	25	25		Restaurant or Cafeteria										25	25	25	25	25	25

EXHIBIT "A"